

2009 HOUSE NATURAL RESOURCES

HCR 3007

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 3007

House Natural Resources Committee

☐ Check here for Conference Committee

Hearing Date: 1-19-09

Recorder Job Number: 7605

Committee Clerk Signature

Nancy L. Gerhardt

Minutes:

Chairman Porter: Introduce HCR 3007 - At one meeting it was recommended bringing in

Grizzly Bears as a predator species or young wolves to prey on the young and old of the elk.

The use species to control the elk population doesn't make sense. It would make more sense to use sharpshooters or issue special licenses for in the park to manage the elk population.

Vice Chairman Damschen – Rep. Drovdal

Rep. Drovdal – We have been trying to get the park to do something like this for many sessions, and we have been passing resolutions like this, and they are good resolutions. Why don't we put in resolutions demanding that they have humane treatment of animals? If we had farmers out there farming and they were mistreating their CRP land or pasture land the government would be down on that farmer's case with everything they have. Why don't we have a resolution demanding they treat their own land like they want us agricultural people to treat our land?

Chairman Porter – While I'm not opposed to what you just said I want you to know the deadline for filing resolutions is still out there and feel free to go get them Rep. Drovdal. On pg 2 we are doing something, we are asking for this to be delivered by registered mail and asking for a return receipt. It is going to the Secretary of the Interior, the director of the National Park

Service, the superintendent of Theodore Roosevelt National Park, and each member of the ND Congressional Delegation.

Rep. Drovdal – Amendments can still also be entered. Would an amendment to this bill be friendly?

Rep. Keiser – Resolutions are passed – special hunting season when elk come out of the park.

Chairman Porter – I'm going to let Mr. Kreil from the NDGF address that.

Randy Kreil – NDGF See Attachment #1 & #2 we ask you to support HCR 3007.

Randy Kreil – It is a very good idea. We have dramatically increased the number of elk hunting opportunities outside Theodore Roosevelt National Park, for both landowners and the general public. We have also expanded the elk hunting opportunities, in fact, we have the longest elk hunting season in North America. In ND we have had some success. We have had quite a few animals taken, but the problem is that we could kill every single elk outside of the park and not solve the problem of overpopulation inside the park. Something needs to happen in the park as well.

Rep. Keiser – It is more the methods than the elk. If we went and increased the licenses that may not get it. Extend the season further, and say we will continue to do this until such point you won't need to any more.

Randy Kreil – We think a lot alike, the director and deputy director met with area ranchers around the park, and 2 years ago we actually went back and created an amendment to the governors elk hunting proclamation in the summer. We added 200 more licenses and added hunting clear to the end of December. It ran from August to December. There is a limitation to the number of hunters over length of time landowners handle. We continue to work with those area landowners and adjust those seasons accordingly. I think the park service has realized that population management has to occur within the park.

Chairman Porter – Rep. DeKray

Rep. DeKray – inaudible

Randy Kreil – One of our frustrations is not being able to move the federal government off dead center. We think there is hope for this and we point directly to something that started 15 years ago. The snow goose population was way above its management objective. It reached the point it was causing damage to the larger eco systems. There was a panel put together to decide what the best way to deal with the situation. One tool was a string of goose hunting seasons. Animal rights groups across the country said it was against the law. Not only did we get the law changed, but we got the international treaty changed to allow extra snow goose hunting season. Things can change if you make a good enough case and present enough logic and demonstrate the alternatives. We think this resolution is important and we think it sets the stage for something for something groundbreaking and we hope you support it.

Chairman Porter – Rep. Hunsakor

Rep. Hunsakor – Do you have any suggestions how to keep the population under control?

Randy Kreil – We've thought a lot about that. One is the lottery, by ND law only residents can take elk.

Rep. Pinkerton – Are there any elk that are actually starving in the park now?

Randy Kreil – No

Rep. Pinkerton – Do we have jurisdiction over the animals in the park?

Randy Kreil – Elk are by definition wild animals. Wild animals by definition are property of the state of ND.

Rep. Pinkerton – If they get into the situation where the elk are dying of starvation we could process them under the current laws of the state.

Randy Kreil – It would be interesting to see how it would play out. The national park service owns the land and they determine how that land is used. We believe the animals in that park belong to the state of ND.

Rep. Drovdal – Isn't it true that these elk are going out on private land for food when the grazing gets tough in the park?

Randy Kreil – Yes – There is a number of elk that go outside of the park to feed. Actually there are greater food sources inside the park than outside.

Chairman Porter - Seeing no further questions thank you. Further questions in support of HCR 3007?

Clarence Bina – United Sportsman of ND – Supports this resolutions.

Chairman Porter – Questions Further questions in support of HCR 3007?

Foster Ray Hagar – Cass County Wildlife Club – Support this bill.

Chairman Porter – Further Testimony in support of HCR 3007.

Julie Ellington – N.D. Stockmans Association – Support the bill.

Chairman Porter – Further in support? Any opposition? Close hearing on HCR 3007.

Rep. Keiser – Move we adopt the amendment.

Chairman Porter – 2nd inaudible – Voice vote. Motion carries.

Rep. Drovdal – Move we Do Pass As Amended and be placed on the consent colander.

Chairman Porter – We have a motion from Rep. Drovdal -- 2nd by Rep. Keiser Any discussion. All in favor unanimous vote yea.

Rep. Nottestad – Take a look at line 14 shouldn't the word under also be taken out?

Chairman Porter - Yes. We will make sure the grammar is correct.

January 23, 2009

VR
1/23/09

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3007

Page 1, line 1, after "law" insert "or policy" and after the second "to" insert "implement the North Dakota Game and Fish Department alternative that would"

Page 1, line 14, remove "under federal"

Page 1, line 15, remove "law"

Page 1, line 17, replace "and to reduce the" with "; and"

WHEREAS, the North Dakota Game and Fish Department has developed and recommended an alternative that would reduce the elk population in Theodore Roosevelt National Park using certified volunteer sharpshooters; and"

Page 1, remove line 18

Page 2, line 2, after "law" insert "or policy" and after the first "to" insert "implement the North Dakota Game and Fish Department alternative that would"

Renumber accordingly

Date: 1-22-09
Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3007

House Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ As Amended

Motion Made By Drovdal Seconded By Keiser

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep Hanson	✓	
Vice Chairman Damschen	✓		Rep Hunskor	✓	
Rep Clark	✓		Rep Kelsh	✓	
Rep DeKrey	✓		Rep Myxter	✓	
Rep Drovdal	✓		Rep Pinkerton	✓	
Rep Hofstad	✓				
Rep Keiser	✓				
Rep Nottestad	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Drovdal

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HCR 3007: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3007 was placed on the Sixth order on the calendar.

Page 1, line 1, after "law" insert "or policy" and after the second "to" insert "implement the North Dakota Game and Fish Department alternative that would"

Page 1, line 14, remove "under federal"

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Renumber accordingly

2009 SENATE NATURAL RESOURCES

HCR 3007

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 3007

Senate Natural Resources Committee

☐ Check here for Conference Committee

Hearing Date: February 12, 2009

Recorder Job Number: 9393

Committee Clerk Signature



Minutes:

Senator Lyson opens the hearing on HCR 3007.

Senator Porter introduced the resolution (see attached testimony #1).

Senator Stenehjem I have been involved in this since the beginning. One of the things they looked at was rounding up the herd and shipping them out to relocating them. One problem with that is some of the diseases that may or may not be in the herd. If some people from North Dakota were allowed to harvest them they could be tested and monitored to see what is going on out there. I think we have thousands of herd reduction experts that could help alleviate the problem.

Randy Kreil Chief of Wildlife Division for the North Dakota Game and Fish Department, spoke in favor of the bill (see attached testimony #1).

Senator Schneider are we talking about a federal law or is it an interior regulation that is preventing North Dakota sharpshooters from entering into the park?

Randy Kreil we believe it is both. We believe there is a case being made that the law currently doesn't allow that and also the case is being made that the federal policy doesn't allow that.

We believe there is precedence for changing the law and changing federal policy when it comes to wildlife management situation is significant to warrant that. We actually participated

and saw that happen with the snow goose over population. Not only were federal laws and policies changed so was an international treaty. If in fact the solution is reasonable enough things can happen.

Senator Erbele what would the specialized training process look like or how do you become a sharpshooter?

Randy Kreil the idea was to use a system or way to determine if people were competent in being able to take an elk. It may include things such as a shooting test and some sort of way to determine their physical ability. There is no off road use of utility vehicles at all and you have to be physically able to do that. When park service decided to not include this as one of their alternatives to include in their statement we decided to not peruse it.

Senator Erbele you mentioned only foot traffic would be allowed. Would pack horses not be allowed?

Randy Kreil pack horses would certainly be.

Senator Triplett the national park service has not yet selected an alternative yet, correct?

Randy Kreil no and the national park service environmental impact statement has four alternatives. They are going to consult with the public on these and we do not support any of them.

Senator Triplett it looks like three of the four do not involve shooting in the park if I read it correctly. The first one talks about reduction with firearms by using government employees. Do you think it is appropriate that we should be making a statement that we prefer shooting within a national park?

Randy Kreil yes I do. I do because in the last hundred years there has been one method proven, both economical and public accepting and effective. It is regulated hunting. That is how we manage wildlife in North America. When the parks were created 130 years ago the

soul purpose of the parks and most wildlife agencies was to rebuild wildlife populations. That mission has been accomplished. We believe that hunting has been the only effective tool.

Senator Triplett Are you saying you don't think the other methods would be effective?

Randy Kreil no, they would be effective. We believe they would be too expensive and that there is a better way to do it to gain support from North Dakota.

Julie Ellingson, North Dakota Stockmen's Association, spoke in favor of the resolution. At our convention last fall members addressed the problems related to the overpopulation of elk, including their ability to carry disease, their destructive nature to fencing, and their infinity for corn and grain fields in the summer. We passed a resolution to this effect. It supports all appropriate actions to prevent overpopulation of elk and their escape onto private lands. If we can use volunteers to keep that from happening, we support that.

Jan Swenson, executive director for the Badlands Conservation Alliance, spoke in opposition to the resolution (see attached testimony #2).

Senator Erbele the rancher's land is much better looking. There is a fragile ecosystem in the badlands that is not only elk, but the lack of forage will affect other species as well.

Jan Swenson part of the reason that the elk population in the park has grown and done as well as it has is due to the quality of the vegetation within that park. The health in the park is much higher than it is on the Little Missouri National Grasslands. You have to imagine what would happen if you 50 volunteer hunters unsupervised for a period of 4 months in our national park.

Senator Lyson aren't you speculating on the kind of hunt it is going to be?

Jan Swenson I am looking at alternative G.

Senator Lyson aren't you speculating that we are going to let 50 people out instead of taking them on some kind of tour type of hunt?

Jan Swenson there is not clarity within the North Dakota Game and Fish Department alternative.

Senator Lyson that is what I am saying. You are just assuming that there will be people walking out there shooting.

Jan Swenson I can't find it right now, but it has been suggested that volunteer citizen hunters within Theodore Roosevelt National Park will not need to be accompanied by officials or North Dakota Game and Fish staff and that they have the skills, tradition, and ethics to do it on their own.

Senator Lyson I haven't seen what you are talking about.

Randy Kreil Ms. Swenson is right in the description of how we would propose alternative G in running a hunt. Those 50 people would not have to be supervised and we do believe that the people who go through the training set up by our agency and the park service would have the skills and ethics to understand what they needed to do to hunt in a national park. We have 94,000 deer hunters who do it every year. The park lends itself to a quality experience because there is no road hunting and people have to walk. In addition, if there was that action going on in the park we would have a coinciding hunting season going on outside the park at the same time so if there was a misplace of an animal there would be hunters on both sides.

Senator Lyson closed the hearing on HCR 3007.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 3007

Senate Natural Resources Committee

☐ Check here for Conference Committee

Hearing Date: February 13, 2009

Recorder Job Number: 9461

Committee Clerk Signature



Minutes:

Senator Lyson opened the discussion on HCR 3007.

Senator Triplett Can you summarize the process that the national park service has gone through in studying this issue?

Valarie Nailer, superintendent of the Theodore National Park, the National Environmental Policy Act is a federal law that requires federal agencies to disclose to the public anything that we are considering doing that would have an environmental consequence. We have prepared this environmental impact statement that allows the public what we are and have considered and why. It is thoughtful document that explains why we have proposed to do the various alternatives that we are considering for managing the elk herd in and around the park. The National Environmental Policy Act is about disclosure. It allows the public to know what we are planning and to be involved in that process. We are in the middle of a 90 day comet period. We have four primary alternatives for managing the elk herd in the park. They have been well thought out and analyzed in great detail. I think they are the most efficient and best alternatives. We do not have a preferred alternative yet. We did not select a preferred alternative because we wanted the public to have the opportunity to comment before we selected one. One thing that is not being considered in the document is public hunting in the

park. Public hunting in National Parks is prohibited by law, policy and case law. It is not something we can consider. We also feel that it would be a very inefficient way of dealing with the elk herd in the park. We have heard a lot about how it would be free or very inexpensive. It would be very expensive because it would really change the way we manage the park.

Senator Hogue can you provide the committee with a description of how good the fence is in terms of the ability of the elk to move in and out of the park?

Valarie Nailer when the elk were first released into the park it was never intended to keep the elk in the park. It was intended to keep bison and feral horses. If there was ever a surplus of elk, hunting outside the park would control the populations. Everyone, including the Game and Fish Department, expected them to move back and forth. There are places where they can go through the fence and over the fence.

Senator Triplett what do you think would be the negative impacts of having a hunting season in the park?

Valarie Nailer the National parks have been a sanctuaries for animals and for people. It is one of the few places people can go during the hunting season and not being concerned. I would trust that most of the visitors would not like to hear that there was hunting going on in the park, even if it occurred in a time of year when they did not come to the park. We would have to keep the loop road open when it was unsafe to do so, due to icy and snowy conditions. We would have to patrol a lot more. We would have to put a lot of energy into running a hunting season in the park. I think it would be very costly and it would take us a lot of time and energy to figure out how to deal with that situation. I think that the conflicts with the feral horses in the park and other wildlife would be very substantial. We also have a very rugged terrain in the Badlands. It is a large area without many roads and it will take a considerable amount of effort

to pack it out. There would be a lot of disturbance to the back of the park and a lot of disturbance to the wildlife and visitors of the park.

Senator Triplett I move a Do Not Pass on HCR 3007.

Senator Pomeroy seconds the motion for purpose of discussion.

Senator Lyson I think with a resolution like this we are doing what the superintendent said, we are opening it up to the public so they can understand it. We are sending this resolution to our Congress and from what I understand they will have some meetings in the Dickinson area. I think this is what we need to get further information out and more input from the public.

Senator Triplett that is not what the resolution says. If it said that I would be happy to support it. It says that we are urging congress to amend federal law to implement the Game and Fish Department alternative to allow sharpshooters to take elk within the park. We are asking for a particular result. We are not asking for people to be aware of it or for them to participate in the conversation. I think we ought not to telling a national department how to manage a specific thing within our borders. We have a federal system set up that has been in place for years to work these processes through. I believe in the sanctuary of the park and I think we ought not to be saying that we want our parks to be something other than that. I am not opposed to hunting but I don't think we should do anything to promote hunting inside a national park. If we want to amend this to encourage meetings and encourage conversation I would be happy to hear it. Voice vote was taken and the motion failed.

Senator Hogue I move a Do Pass on HCR 3007.

Senator Freborg seconds the motion

Senator Triplett I would like someone to tell me why they think the way they do.

Senator Hogue I am aware of your argument of micro management and I have that same overall policy perspective as well. To me who can access are public parks and for what reason

is a fundamental policy question that is appropriately decided in legislative bodies like the state legislature and US Congress. It is a reasonable request for this body to urge another legislative body to say that there are more uses for our parks. There are always going to be disputes when you have a public property like a park. When you allow an agency to define what types of uses are appropriate in that park. I think the appropriate place for that to be decided is in a legislative body so I support the resolution.

Senator Triplett it sounds to me that you support the notion that it should be discussed as an option. That is not what this resolution says. It says that we are urging Congress to pick one solution and one only. It tells Congress that we have not considered any of the alternatives and that we urge them to send sharpshooters into the park.

Senator Hogue I have always thought that the best solution was to drive the elk out of the park and allow the Game and Fish Department to administer the taking of additional animals. To me that is the easiest solution. I don't see this as a problem that will be needed to be addressed on an annual base. This is the first step we have to take to get North Dakota hunting enthusiasts to take some of these animals is this resolution.

Senator Triplett what you just described is one of the alternatives in here. It is alternative E and gives a description of what the possible impacts would be and impacts to adjacent lands, protection measures, mechanisms in costs impacts the tourism and recreation and a conclusion. It is one of the offered alternatives. Maybe we should amend this resolution to say that in addition to the concerns and possible alternatives recommended in the environmental impact statement we would like to add this one to be considered by congress. I would be ok with that. I would move to improve the resolution with an amendment.

Senator Pomeroy seconds the amendment to the motion.

The roll was taken and the motion failed.

The roll was taken on the original motion. The bill received a Do Pass on a vote of 5 to 2.

Senator Lyson closed the discussion on the bill.

Date: Feb 13, 2009

Roll Call Vote #: 3007

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

Senate Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Amendment

Motion Made By Sen. Hogue Seconded By Sen. Freborg

Senators	Yes	No	Senators	Yes	No
Senator Stanley W. Lyson, Chairman	/		Senator Jim Pomeroy		/
Senator David Hogue, Vice Chairman	/		Senator Mac Schneider	/	
Senator Robert S. Erbele	/		Senator Constance Triplett		/
Senator Layton W. Freborg	/				

Total (Yes) 5 No 2

Absent _____

Floor Assignment Sen. Hogue

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HCR 3007, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)
recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HCR 3007 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HCR 3007

93035.0100

Sixty-first

Legislative Assembly
of North Dakota

HOUSE CONCURRENT RESOLUTION NO. 3007

Introduced by

Representatives Porter, Carlson, Damschen, Hanson

Senators Stenehjem, Hogue

1. A concurrent resolution urging Congress to amend federal law to allow North Dakota resident
2. sharpshooters to take elk within Theodore Roosevelt National Park to assist the National Park
3. Service in reducing and managing the park's elk population.
4. **WHEREAS**, Theodore Roosevelt National Park has released a Draft Elk Management
5. Plan/Environmental Impact Statement; and
6. **WHEREAS**, the Draft Elk Management Plan/Environmental Impact Statement analyzes
7. four action alternatives for initial herd reduction, as well as a no action alternative, and one
8. alternative that could be used in combination with others for elk herd maintenance; and
9. **WHEREAS**, one alternative for initial herd reduction focuses on sharpshooting elk,
10. using government employees, contractors, or skilled volunteers; and
11. **WHEREAS**, North Dakota is opposed to the action alternatives identified in the Draft Elk
12. Management Plan/Environmental Impact Statement released by Theodore Roosevelt National
13. Park; and
14. **WHEREAS**, hunting within the park boundaries is not currently allowed under federal
15. law; and
16. **WHEREAS**, the elk population of Theodore Roosevelt National Park must be reduced to
17. manageable levels to sustain a healthy population of elk in the park ~~and to reduce the~~
18. ~~possibility of chronic wasting disease entering the park's elk population; and~~
19. **WHEREAS**, North Dakota sportsmen have the hunting tradition, expertise, and ethics to
20. assist the National Park Service in this effort; and
21. **WHEREAS**, The North Dakota Game and Fish Department has developed and recommended an
22. alternative that would reduce the elk population in Theodore Roosevelt national park using certified
23. volunteer sharpshooters, and
24. **WHEREAS**, North Dakota sharpshooters should be chosen by a lottery system and be

Sixty-first
Legislative Assembly

1. entitled to keep any animal the sharpshooter takes;
2. **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**
3. ***OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:***
4. That the Sixty-first Legislative Assembly urges the Congress of the United States to
5. amend federal law or policy to implementation of the North Dakota Game and Fish
6. Department alternative which would allow North Dakota resident sharpshooters to take
7. elk within Theodore Roosevelt National Park to assist the National Park Service in
8. reducing and managing the park's elk population; and
9. **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this
10. resolution by registered mail, return receipt requested, to the Secretary of the Interior,
11. the director of the National Park Service, the superintendent of Theodore Roosevelt
12. National Park, and each member of the North Dakota Congressional Delegation.

*Some
testimony given to Grief*

HCR 3007

TESTIMONY OF

NORTH DAKOTA GAME AND FISH DEPARTMENT

JANUARY 22, 2009

The North Dakota Game and Fish Department supports House Concurrent Resolution 3007, with the amendments as proposed, which calls for amending federal law or policy to allow North Dakota resident sharpshooters to take elk within the South Unit of Theodore Roosevelt National Park. We believe this resolution will make it clear that the State of North Dakota believes there is a better and more cost effective way to manage elk in the park than any of the alternatives offered in the National Park Service's Environmental Impact Statement. Furthermore, it specifically asks Congress to make the appropriate changes in federal law and work to change policy that would allow the implementation of the alternative developed and recommended by our Department. A detailed description of this alternative is attached to this testimony along with a letter to the National Park Service explaining our position.

We have seen overwhelming support all across North Dakota for this alternative, which we have been promoting for nearly two years. The support grew and became even stronger after the public had the opportunity to review the four action alternatives the NPS decided to consider in its EIS. We believe that all of the options under consideration are costly, unnecessarily complex, and philosophically unacceptable to the vast majority of North Dakota citizens.

The NPS action alternatives include:

- Reduction with firearms using government employees, hired private contractors and some limited, highly regulated opportunities for volunteers.
- Rounding up the elk using helicopters, holding them in pens, and euthanizing.
- Rounding up the elk using helicopters, holding them in pens, killing and testing approximately 400 animals for CWD and other diseases, and if no disease problems are

documented then transporting the animals to other locations outside of North Dakota if there is interest. If there is no interest the elk would be euthanized.

- Enhancing hunting opportunities by driving elk outside the park.

In all these million dollar plus alternatives, the cost of killing the elk, processing the meat, and distributing the meat to food pantries would be at taxpayer expense. We ask that you support HCR 3007 and send a strong message to the National Park Service that the citizens of North Dakota believe there is a better way to manage this valuable wildlife resource. Passing this legislation will assist our Congressional delegation in their efforts to change federal law or influence a policy change to allow a more economical and responsible method to managing the elk resource in and around Theodore Roosevelt National Park.

NORTH DAKOTA GAME & FISH DEPARTMENT

"Variety In Hunting and Fishing"

GOVERNOR, John Hoeven

*DIRECTOR, Terry Steinwand
DEPUTY, Roger Rostvet*

*100 North Bismarck Expressway
Bismarck, North Dakota 58501-5095
Phone: (701) 328-6300
FAX: (701) 328-6352*

September 12, 2007

Ms. Mary Bomar, Director
National Park Service
1849 C Street NW
Washington, DC 20240

Dear Director Bomar:

This letter is in reference to your agency's ongoing process of developing an Environmental Impact Statement (EIS) for the management of elk in Theodore Roosevelt National Park (TRNP). As you know, Governor John Hoeven, the North Dakota Congressional delegation, our state legislature and the North Dakota Game and Fish Department (Department), and many residents in the state expressed concerns regarding plans to exclude from the management options a process which would involve volunteers.

We were encouraged by the message communicated by Secretary of Interior Kempthorne in his July 24, 2007 letter to Governor Hoeven. In his letter, and in a meeting with Governor Hoeven on the same date, the Secretary committed to evaluating "the use of skilled volunteers as a tool to be used in reducing the population of elk inside the park." He went on to say "A cost /benefit analysis for using volunteers versus contractors or NPS employees will also be included." The Secretary also said in his letter, that he hoped the North Dakota Game and Fish Department would rejoin the process.

Governor Hoeven and the Department are very interested in working toward a solution for your problem of an excessive elk population in the TRNP and hope for a mutually agreeable outcome that would involve volunteers assisting in management of the elk in the park. We are committed to working with you on an alternative that uses volunteers so it could be added to and evaluated in the current EIS process.

We strongly feel that volunteers can and should be actively involved in the process of assisting the park in any population reduction options. We understand from conversations with NPS personnel that the EIS will include an evaluation of using volunteers for a variety of duties indirectly related to reducing elk numbers in TRNP. We were also told that the actual direct control of elk would be carried out by park service personnel and that authorized agents, which could be members of the public acting as

skilled volunteers, would "work supplementing park staff on direct control actions." The NPS also stated that the proposal would not allow members of the public involved in the removal of the elk to keep any of the meat or any part of the carcass because they would be considered volunteer park employees and federal regulations prohibit employees from doing so.

Under the proposed NPS approach, as we understand it, these volunteers would be basically agency employees and would, if allowed, be simply "killing" with no element of fair chase or adherence to long held traditional outdoor ethics nor would they be able to utilize the food value of the animal in exchange for their efforts. We seriously doubt that many North Dakotans would want to become a volunteer park employee simply to participate in the killing of animals. We believe the NPS concepts to include the public in this manner (as described herein) is not in the spirit of Secretary Kempthorne's communication to Governor Hoveen. I believe that the proposed NPS actions regarding qualified volunteers are in direct contradiction to the intent of Secretary Kempthorne's letter to Governor Hoveen. We think it is clear that the Secretary's intent is to evaluate volunteers and park employees separately.

We believe it is in the best interest of the NPS to work with the State of North Dakota in constructing an alternative that would allow for public participation in reducing elk numbers in TRNP in an ethical, responsible, and publicly acceptable manner. In addition, it is our belief such an alternative would be far more cost effective by saving the NPS the high costs associated with the other alternatives being proposed.

In the spirit of assisting the NPS in preparing an EIS alternative that would involve skilled volunteers, we have attached to this letter our Department's draft alternative "G" that details how Certified Volunteer Sharpshooters (CVS) would contribute to the elk population reduction efforts in TRNP. We hope that NPS will work with us to refine this alternative so it can be included in the EIS prior to it being presented to the public in December 2007 or January 2008.

This is a serious issue to many North Dakotans and our respective agencies collectively have a responsibility to design a responsible, efficient, and effective long term strategy to manage elk in and around TRNP. Please have your staff contact us as soon as possible to begin refinement of this alternative which is offered in the spirit of helping solve your agency's elk population problem in the TRNP in a cost effective and effective manner.

Sincerely,



Terry Steinwand
Director

cc: Governor John Hoveen

ALTERNATIVE G: Initial Reduction and Maintenance by Certified Volunteer Sharpshooters

This alternative would be implemented as a stand alone option or used in combination with certain components of other alternatives under consideration depending upon the time frame identified for accomplishing the population reduction. Elk would be removed by Certified Volunteer Sharpshooters (CVS) using high powered rifles. Carcasses would be removed from the park by the CVS using approved NPS means. The CVS will process the meat and may keep it or donate it to a food pantry. The removal period would be November through February when park visitation is low and would coincide with state implemented hunting seasons outside the park. Once the initial elk population goal was achieved, additional removal actions using CVS would be conducted as needed to maintain the desired population range.

Questions and Answers Related to Alternative G

1) What is a Certified Volunteer Sharpshooter (CVS)? A CVS is someone that has had an approved hunter education course or is deemed legally eligible to obtain the necessary North Dakota licenses or permits to take or possess big game, and participates in a specialized training course designed by TRNP and the North Dakota Game and Fish Department. Once approved, the CVS will be given a permit to remove an elk from the park.

2) Can a CVS be a resident or a nonresident of North Dakota? The elk in TRNP are considered to be state regulated wildlife and therefore under current North Dakota law only residents may take or possess elk in adherence with rules and regulations established by the Governor. For nonresidents to be eligible the state legislature would have to make a special allowance for this situation at TRNP and the Governor would have to include such a change in proclaimed rules and regulations.

3) When would CVS be in the park conducting removal operations?

Removal operations would occur from November through February. This is a time period where park visitation is extremely low and conflicts with other park users would be nearly nonexistent. This time period is also prior to the time of year when male elk shed their antlers. The focus of the removal effort is on the female segment of the population.

4) How will CVS be selected? Members of the public will be required to submit an on line application. The NPS and NDGFD will work cooperatively on screening the applicants to insure they meet the standards set for being a CVS. Once a list of applicants has been reviewed and approved, the permits to take and possess an elk from TRNP will be issued by random lottery. The CVS will then be required to satisfactorily complete an on line training course. Prior to the CVS beginning the elk removal process, they will be required to participate in an onsite preparation meeting.

5) How will the removal process actually work? The NPS and NDGFD will establish a number of zones in TRNP. These zones are designed to manage the activities of CVS in any given time period and to spread out and maximize the effectiveness of the removal operation in the park. A specific number of CVS will be allowed into a zone for a set period of time. If they are unsuccessful in removing an elk during their assigned time period they do not get another chance. The number of CVS in any one zone will be closely regulated to avoid conflicts and minimize any possible interactions with other park users.

6) Will using zones in the park with a set number of CVS be able to reduce elk numbers substantially? We believe it will. For example, in the late fall and early winter of 2008-2009 there are 17 seven day periods. If you allow each CVS one seven day period and have 10 CVS in each of the five zones per seven day period for the duration of the 17 periods you will have allowed 850 CVS the opportunity to remove an elk. Assuming a success rate of 50% that is a total of 425 elk removed. Even at 25%, that is 212 elk removed and utilized at minimal cost to the NPS. At the same time elk hunting seasons will be conducted outside the park in the anticipation that removal actions will drive some elk out of TRNP thereby increasing the total

number of elk removed. If there are more than 5 zones or if the density of CVS in each zone is allowed to be more than 10 per seven day period then the effectiveness increases.

7) Will there be a cost for a CVS permit? The NPS may charge each approved CVS a fee. The fees will be used to help cover the expenditures the park will incur managing the CVS alternative.

8) How will the CVS remove the carcass once they have killed an elk? The removal of the elk carcass from the park is the responsibility of the CVS. All edible flesh and head must be removed. Removing the head will be required so the animal can be tested for CWD. The park does not allow the use of motor vehicles off of established roads and designated trails; therefore, the carcass must be removed by packing the animal out on foot or by horseback, or by using non-motorized wheel carts in areas other than specifically designated wilderness areas where wheeled vehicles of any kind are not allowed.

9) Will the CVS need to be accompanied by a NPS employee? No, that would be unnecessary. Each CVS will be assigned to a specific zone and all access to that area will be on foot or horseback. There will be rules specifically prohibiting shooting elk while on or adjacent to a roadway thereby eliminating "road hunting" as a concern. A CVS on foot or horseback in the park will not cause any damage to the park, its facilities or the general public and, therefore, there is not need for a NPS staff member to accompany the CVS. In addition, there will be a daily mandatory check in and check out requirement in place. The NPS and NDGFD will staff these check stations.

10) What about CWD concerns? CWD has not been documented as occurring in the TRNP elk herd nor any other wild elk herd in North Dakota. As part of the training course and on site preparation meeting each CVS will be informed about CWD and the proper precautions that should be taken. In addition, all elk removed by a CVS must be checked in at the mandatory check station so CWD sample may be taken and tested. Each elk removed from the park by a CVS will be assigned a number and when the CWD tests results are returned the CVS will be notified.

BADLANDS CONSERVATION ALLIANCE

A VOICE FOR WILD NORTH DAKOTA PLACES

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RE: Senate Concurrent Resolution No. 4012

Testimony of the Badlands Conservation Alliance before the Senate Natural Resources Committee
February 12, 2009.

Chairman Lyson, Members of the Senate Natural Resources Committee:

My name is Jan Swenson. I am speaking as Executive Director of the Badlands Conservation Alliance (BCA), a non-profit public education and conservation organization focused on western North Dakota public lands.

I want to clarify that we are a conservation organization, not a hunting organization. However, our focus does not preclude hunting. Just as we have both ranchers and urbanites among our membership, we have hunters and non-hunters. Indeed, both mule deer and antelope were served at our Annual Meeting this last November, graciously provided from our President's personal harvest.

We are concerned that Senate Concurrent Resolution No. 4012 pre-empts a conversation amongst North Dakota citizens that is vital and significant. As North Dakotans and citizens of the United States, we are fortunate to hold a National Park within our boundaries. It is a natural and historic treasure for all, and our state's premier tourist attraction. The thoughtfulness with which we approach its management reflects on our self-image and on how we appear to the country at large.

The Elk Management Plan Draft Environmental Impact Statement for Theodore Roosevelt National Park is a scientific document of some heft. The National Park Service presents none of its six Alternatives as "preferred," a step away from the norm done specifically to invite open discussion of the complications and opportunities for solution. We would presume that the members of this committee have spent time with that document.

Above and beyond the precedent setting scenario that a citizen hunt in a National Park would mean, not exclusively to ND but to the nation as a whole, BCA would suggest that the impacts of such an event have not been fully considered:

- For example, in a proposal put forward by the North Dakota Game and Fish Department, within a four-month period, 850 armed non-professionals would visit our National Park with intent to fire. In any one-week period, 50 armed non-professionals would visit our National Park with intent to fire.
- Wildlife in Theodore Roosevelt National Park has had little experience as human prey for at least 62 years. Not exclusively elk, but all wildlife. Any expectation that the elk will remain in their current territories, in human prescribed zones, or within the Park boundaries at all, is wishful thinking. The degree of stress upon ALL wildlife will be significant, as will the stress on

adjacent landowners. Unintended collateral damage both inside and outside the Park is apt to be significant. We are concerned about the liability and expense.

- The interests of non-hunting visitors to Theodore Roosevelt National Park would be curtailed during any type of citizen hunt. The Park has served as a "safe zone" for non-hunting recreationists. Those individuals and families would be without a destination for an extended period of time.

Resolution No. 4012 suggests that North Dakota would choose to be the state that promotes weakening of the unique protections secured in our National Parks. Some proponents of this resolution would suggest that hunting in a National Park is passé, citing elk management in Grand Teton National Park. That cannot be less the case. Grand Teton National Park's enabling language at the time of establishment allowed, as a unique compromise, a provision for elk hunting within Park boundaries. Theodore Roosevelt National Park's enabling language does not.

Wind Cave National Park and Rocky Mountain National Park have been facing similar need for elk herd reductions. Due to chronic wasting disease concerns, the National Park Service moratorium on routine elk translocation without adequate and complete testing has forced these Parks to look at a larger range of alternatives. Rocky Mountain National Park has made the decision to move ahead with reduction by sharpshooters, both professional and certified volunteer, much as Alternative B in the Theodore Roosevelt National Park Draft EIS. Wind Cave opted to select a Preferred Alternative and has just completed a comment period such as Theodore Roosevelt National Park's. The Wind Cave Preferred Alternative involves moving elk numbers out of the Park onto private and public lands for citizen hunting opportunities much as Alternative E in the Theodore Roosevelt National Park document.

Proponents of hunting in Theodore Roosevelt National Park tend to use emotional catch phrases: nobility of the animal, federal waste of taxpayer dollars, absence of "volunteer reward" in the personal possession of harvested meat.

There would be no particular nobility for the animal in this fenced hunt that is not already there in National Park Service Alternatives B and/or E. The annual base budget for Theodore Roosevelt National Park is 2.4 million dollars, not a figure reflective of foolhardy spending policy. Donation of elk meat to those in need should be looked on as an act of generosity.

Badlands Conservation Alliance asks this committee to protect the integrity and national status of Theodore Roosevelt National Park. We ask this committee for a Do Not Pass recommendation on Senate Concurrent Resolution No. 4012.